

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

TERI PENDLEY,

Plaintiff,

v.

No. 1:23-CV-169-H-BU

A.R.D. EXPRESS, INC., et al.,

Defendants.

ORDER

The United States Magistrate Judge issued Findings, Conclusions, and a Recommendation (FCR) that the plaintiff's claims against defendant A.R.D. Express, Inc. for negligent hiring, training, supervision, retention, monitoring, and entrustment be dismissed without prejudice for failure to state a claim upon which relief can be granted. Dkt. No. 9. No objections were filed.

Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendations only for plain error. *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). The District Court has reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR. The plaintiff's claims against A.R.D. are dismissed without prejudice for failure to state a claim upon which relief can be granted. However, because of the strong policy in favor of granting leave to amend at least once, *see Great Plains Tr. Co. v. Morgan Stanley Dean Witter & Co.*, 313 F.3d 305, 329 (5th Cir. 2002), the Court grants the plaintiff leave to amend her complaint within 14 days from the date of this Order.

So ordered on January 4, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE